IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 252 OF 1994

Mohammed Sadiq Badruddin Patel ..Appellant

versus

The State of Maharashtra ..Respondents

Mr. Rajiv Patil for the Appellant.

Mr. S. N. Gawade, AGP for the Respondents -State.

CORAM : D. G. DESHPANDE,J.

DATE : 10TH MARCH, 2005

ORAL ORDER :

1. Heard counsel for the Appellant and learned AGP for the State.

2. This Appeal is filed by the original claimant for enhancement of compensation. The land is situate at Taloja. The Division Bench of this Court in First Appeal No. 950 of 1985 by an order dated 10.1.2001 has awarded Rs.25/- for lands in Taloja. In a group of Appeals decided by Division Bench of this Court in First Appeal No. 875 of 1985 and 30 other First Appeals with 4 Cross Objections, by an order dated 16.3.2000, which was followed by my subsequent judgements, a criteria that was

applied was distance of the acquired land from Bombay Pune National Highway. In this case the acquired land is as per the report of Expert Jeevan Kulkarni is situate within 500 meters of Bombay Pune National Highway and therefore this Appeal is to be allowed and compensation awarded to the claimant has to be fixed at Rs.25/- per sq.meter. Therefore, Order:

ORDER

. Appeal is partly allowed.

. Order awarding compensation passed by the Reference Court is modified. The Appellant - Claimant will be entitled to receive Rs.25/- per sq. meter as compensation for the acquired land along with enhanced solatium and interest. No order as to costs.

10.3.2005 (D.G. DESHPANDE, J.)